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| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371 | | ATTORNEY'S DOCKET NUMBER 15115/147001 |
| | | U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/519762 |
| INTERNATIONAL APPLICATION NO. PCT/JP03/08188 | INTERNATIONAL FILING DATE 27 June 2003 | PRIORITY DATE CLAIMED 12 July 2002 |
| TITLE OF INVENTION VARIABLE OPTICAL ATTENUATOR | | |
| APPLICANT(S) FOR DO/EO/US Kiyoshi Imai et al. | | |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: | | |
| 1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2)) a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)). a. <input checked="" type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)). - UNSIGNED 10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)). Items 11 to 20 below concern document(s) or information included: 11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825. 18. <input checked="" type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input checked="" type="checkbox"/> Other items or information: Return Receipt Postcard; International Search Report; Form PCT/IB/308 | | |

22511
PATENT TRADEMARK OFFICE

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|--|---|---|-------------|--|------------------|
| U.S. APPLICATION NO. 10/519782 | | INTERNATIONAL APPLICATION NO. PCT/JP03/08188 | | ATTORNEY'S DOCKET NUMBER 15115/147001 | |
| 21. The following fees are submitted: | | | | | |
| <input checked="" type="checkbox"/> | a) Basic national fee | \$300.00 | \$ | 300.00 | |
| <input checked="" type="checkbox"/> | b) Examination fee | \$200.00 | \$ | 200.00 | |
| <input checked="" type="checkbox"/> | c) Search fee | \$500.00 | \$ | 500.00 | |
| TOTAL OF ABOVE CALCULATIONS = | | | \$ | 1,000.00 | |
| <input checked="" type="checkbox"/> | Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. | | | | |
| Total Sheets | Extra sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE | | |
| 131 - 100 = | 31 /50 = | 1 | x \$250.00 | | |
| | | | | 250.00 | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)). | | | \$ | | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | | |
| Total claims | 9 - 20 = | | x | \$ | 0.00 |
| Independent claims | 1 - 3 = | | x | \$ | 0.00 |
| MULTIPLE DEPENDENT CLAIM(s) (if applicable) | | | + | \$ | |
| TOTAL OF ABOVE CALCULATIONS = | | | \$ | 1,250.00 | |
| <input type="checkbox"/> | Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. | | | | |
| SUBTOTAL = | | | \$ | 1,250.00 | |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (f)). | | | + | \$ | |
| TOTAL NATIONAL FEE = | | | \$ | 1,250.00 | |
| Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property | | | + | \$ | |
| TOTAL FEES ENCLOSED = | | | \$ | 1,250.00 | |
| | | | | Amount to be refunded: | \$ |
| | | | | Amount to be charged: | \$ |
| <p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>50-0591</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input checked="" type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> | | | | | |
| NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the International Application to pending status. | | | | | |
| SEND ALL CORRESPONDENCE TO: | | | | | |
| | | | | SIGNATURE: | Jonathan P. Osha |
| | | | | NAME | |
| CUSTOMER NUMBER: 22511 | | | | 33,986 | |
| | | | | REGISTRATION NUMBER | |

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| | | | |
|---|--|---------------------------------|-----------------------|
| <p>Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</p> <h2 style="text-align: center;">FEE TRANSMITTAL</h2> <h3 style="text-align: center;">For FY 2005</h3> | | <p>Complete if Known</p> | |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 | | Application Number | Not Yet Assigned |
| | | Filing Date | Concurrently Herewith |
| | | First Named Inventor | Kiyoshi Imai |
| | | Examiner Name | Not Yet Assigned |
| | | Art Unit | N/A |
| TOTAL AMOUNT OF PAYMENT (\$) 1,250.00 | | Attorney Docket No. | 15115/147001 |

METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 50-0591 Deposit Account Name: Osha & May L.L.P.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or any underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
| | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |

2. EXCESS CLAIM FEES

| Fee Description | Fee (\$) | Small Entity Fee (\$) |
|---|----------|-----------------------|
| Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent | 50 | 25 |
| Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent | 200 | 100 |
| Multiple dependent claims | 360 | 180 |

Total Claims Extra Claims Fee (\$) Fee Paid (\$) Multiple Dependent Claims
 9 - 20 = x = Fee (\$) Fee Paid (\$)

Indep. Claims Extra Claims Fee (\$) Fee Paid (\$)
 1 - 3 = x =

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|--------------|--------------|--|--------------------------------|---------------|
| 131 | 31 | 1 | (round up to a whole number) x | |

4. OTHER FEE(S)

| | Fees Paid (\$) |
|--|----------------|
| Non-English Specification, \$130 fee (no small entity discount) | |
| Other: 1631 Basic National Stage fee | 300.00 |
| 1632 National Stage search fee | 500.00 |
| 1633 National Stage examination fee | 200.00 |
| 1681 National Stage application size fee - for each additional 50 sheets ... | 250.00 |

| | | | |
|---------------------|------------------|-----------------------------------|-------------------|
| SUBMITTED BY | | | |
| Signature | | Registration No. (Attorney/Agent) | 33,986 |
| Name (Print/Type) | Jonathan P. Osha | Telephone | (713) 228-8600 |
| | | Date | December 29, 2004 |

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV576720482US, in an envelope addressed to: MS PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: December 29, 2004 Signature: (Toni A. Hill)

22511
PATENT TRADEMARK OFFICE

Application No. (if known): Not Yet Assigned

Attorney Docket No.: 15115/147001

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on 29 December 2004
Date



Signature

Toni A. Hill

Typed or printed name of person signing Certificate

Registration Number, if applicable713-228-8600
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Fee Transmittal (2 pages)
Return Receipt Postcard; International Search Report; Form PCT/IB/308
English language translation of the International application (76 pages)
9 total claims - 1 independent claim
Formal Drawings (55 sheets)
Oath or declaration of the inventor(s)
Information Disclosure Statement (6 references)
Second copy of published International Application
Transmittal Letter to the United States Designated-Elected Office
Payment by credit card. Form PTO-2038 is attached
Charge \$1,250.00 to credit card

Application No. (if known): Not Yet Assigned

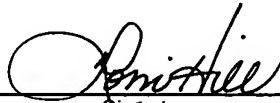
Attorney Docket No.: 15115/147001

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on December 29, 2004
Date



Signature

Toni A. Hill

Typed or printed name of person signing Certificate

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Telephone Number

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IDS (Citation) by Applicant (6 References) (1 page)

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Attorney Docket No.: 15115/147001

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on 12-29-2004
Date


Signature

Toni A. Hill

Typed or printed name of person signing Certificate

Registration Number, if applicable

713-228-8600
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify
each submitted paper.

Bilingual Declaration (Japanese/English) (4 pages)